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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/480,107 01/10/00 PARK

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WM02/1003  
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EXAMINER

HUDSPETH, D

ART UNIT

PAPER NUMBER

2651

DATE MAILED:

10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/480,107

Applicant(s)

Park

Examiner  
Gautam R. Patel

Art Unit  
2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jan 10, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-9 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-9 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

## **DETAILED ACTION**

1. Claims 1-9 are pending for the examination.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

## **NOTES & REMARKS**

3. "The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import; ..." (see 37 CFR § 1.75, MPEP § 608.01(I).

Claims 7-9, lines 2 have acronyms "PDL" , "SDL" and "DMA" that has not been defined in the claim.

NOTE: Specification has correctly defined these acronym, but claims has not defined them.

corrections are required.

### ***Drawings***

4. The drawings are objected for following reasons:

The figures 1-5B are labeled as "Related art". Figures 1-5B are not designated by a legend such as "Prior Art". The legend is necessary in order to clarify what applicant's invention is (see MPEP § 608.02g). It is not clear if these figures are Prior art or not. A proper title indicating that these are prior art or these are Applicant's invention is necessary.

Corrections are required.

5. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:
  - a. A separate letter to the Draftsman in accordance with MPEP § 608.02 (r); and,
  - b. A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02 (v).

IMPORTANT NOTE: the print or pen-and-ink sketch with proposed corrections shown in *red ink* is required in response to this Office Action, and may not be deferred.

### ***Specification***

6. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.


Correction is required.

### ***Claim Rejections - 35 U.S.C. § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

and 8-9 

Claims 1-4<sub>A</sub> are rejected under 35 U.S.C. § 102(b) as being anticipated by Bish et al., US. patent 5,235,585 (hereafter Bish).

As to claim 1, Bish discloses the invention as claimed [see Figs. 1-9] including resetting a location information of spare area and converting spare area to user area, comprising the steps of:

- a. Resetting a location information of a supplementary spare area; and
- b. Converting the supplementary spare area to a user area [col. 6, lines 13-24 and col. 6, line 62 to col. 7, line 6].

8. As to claim 2, Bish discloses:

determining if supplementary spare area has been assigned prior to (a) and (b), wherein resetting the location information of a supplementary spare area and converting the supplementary spare area to a user area, if supplementary spare area has been assigned [col. 6, line 62 to col. 7, line 6 and col. 9, line 54 to col. 10, line 45].

9. As to claim 3, Bish discloses:

converting the location information [address] of supplementary spare area to a predetermined value which indicates that the location information of the supplementary spare area has been reset [changing the spare area end pointer][col. 6, line 62 to col. 7, line 6 and col. 9, line 54 to col. 10, line 45].

10. As to claim 4, Bish discloses:

the predetermined value is a lowest value [col. 6, lines 25-30].

11. As to claim 7, Bish discloses:

registering sectors judged to have defects in a new PDL, if the formatting is with certification [col. 9, line 52 to col. 10, line 45 and fig. 9].

12. As to claim 8, Bish discloses:

registering all sectors registered in an old SDL in new PDL, if the formatting is without certification [col. 9, line 52 to col. 10, line 45 and fig. 9].

13. As to claim 9, Bish discloses:

the location information of the supplementary spare area is stored in a SDL block [fig. 4] of a DMA of the optical recording medium.

### ***Claim Rejections - 35 U.S.C. § 103***

14. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

15. Claims 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bish as applied to claims 1-4 and 7-9 above.

Regarding claims 5-6, although Bish does not specifically disclose that the predetermined value is a highest value or predetermined value is a specific code based upon a predetermined agreement, such limitations are merely a matter of design choice and would have been obvious in the system of Bish. Bish that sectors are listed in

ascending order according to track and sector numbers. The limitations in claims 5 and 6 do not define a patentable distinct invention over that in Bish since both the invention as a whole and Bish are directed to assigning the sectors in order they are available and choose sectors which are near to the original sector thus keeping track movement to minimum for saving time. The value that is chosen highest lowest or some predetermined value is inconsequential for the invention as a whole and presents no new or unexpected results, so long as the supplementary spare area is reset and used again. Therefore, to have predetermined value to be highest, lowest or based on specific code in Bish would have been a matter of obvious choice to one of ordinary skill in the art.

***Other prior art cited***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Yoshimaru et al. (US. patent 5,058,089) "Memory disk and apparatus for recording information on memory disk".
  - b. Ro et al. (US. patent 6,288,989) "Information recording method with protection function of previously recorded information".
  - c. Bernardini et al. (US. patent 4,345,319) "Self-correcting, solid-state-mass-memory organized by bits and with reconfiguration capability for a stored program control system".
  - d. Wu et al. (US. patent 5,781,717) "Dynamic spare column replacement memory system".

***Contact information***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is

(703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

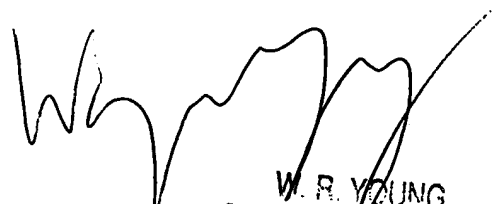
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Hudspeth, can be reached on (703) 308-4825.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel  
Patent Examiner  
Group Art Unit 2651

September 28, 2001



W. R. YOUNG  
PRIMARY EXAMINER